

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LOTISHA DAVIDSON,

Plaintiff,

v.

DISTRICT ATTORNEY OF
BAKERSFIELD,

Defendant.

No. 1:22-cv-00581-ADA-CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS CASE

(ECF No. 16)

Plaintiff Lotisha Davidson (“Plaintiff”), proceeding pro se, filed this civil action on May 16, 2022, asserting claims pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Upon a preliminary review of the complaint, the Court concluded that it contained no discernable basis in which Plaintiff is entitled to relief under 42 U.S.C. § 1983. (ECF No. 16 at 2.) In light of this, the Court issued an Order to Show Cause (“OSC”) on April 7, 2023, directing Plaintiff to show cause in writing why the complaint should not be dismissed for failure to state a claim on which relief may be granted. (ECF No. 15.) Therein, the Court cautioned Plaintiff that failure to comply with the Court’s order would result in a recommendation to dismiss this action with prejudice. (*Id.* at 2-3.) To date, Plaintiff has not filed a response to the OSC and the time in which to do so has passed.

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1 On May 24, 2023, the assigned Magistrate Judge issued findings and recommendations,
2 recommending dismissing this action for failure to state a claim. (ECF No. 16.) The Court served
3 the findings and recommendations on Plaintiff and gave her fourteen days to file objections thereto.
4 (*Id.* at 3-4.) To date, no objections have been filed and the time in which to do so has expired.

According to 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court concludes the findings and recommendations are supported by the record and by proper analysis.

8 || Accordingly,

- 9 1. The findings and recommendations issued on May 24, 2023, (ECF No. 16), are
10 ADOPTED in FULL;

11 2. Plaintiff's application to proceed *in forma pauperis*, (ECF No. 5.), is DENIED;

12 3. This case is DISMISSED, with prejudice, for Plaintiff's failure to state a claim and for
13 failure to prosecute and comply with the Court's order; and

14 4. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

18 || Dated: July 26, 2023


John H. H. Morris